IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

OP.No. 23651 of 1998(N)

PETITIONER:

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1. **V.MANIKANDAN, JUNIOR HEALTH INSPECTOR GR.II, MUNICIPAL OFFICE, PERINTALMANNA.**
2. **UMMER THOTTAPALI, JR.HEALTH INSPECTOR, GR.II, MUNICIPAL OFFICE, MANJERI.**
3. **MOOSAKUTTY.K., -DO- MUNICIPAL OFFICE, MALAPPURAM**
4. **SURENDRAKUMAR.M., -DO-, MALAPPURAM MUNICIPALITY.**
5. **M.MOHAMMEDKUTTY, DO- PERINTALMANNA MUNICIPALITY.**
6. **KUNHSYSMRD.T., DO- MUNICIPAL OFFICE, PERINTALMANNA.**
7. **C.P.BASHEER, MUNICIPAL OFFICE, TIRUR ,TIRUR 4.**
8. **K.ABDUL KARIM, DO- MUNICIPAL OFFICE, SHORANUR.**
9. **P.RAMADAS, DO- MUNICIPAL OFFICE, MANJERI.**
10. **SIVADASAN.K , DO- MUNICIPAL OFFICE, MANJERI.**
11. **C.GOPAKUMAR, JUNIOR HEALTH INSPECTOR, MUNICIPAL OFFICE, SHORANUR.**

BY ADV. SRI.P.RAMAKRISHNAN

O.P. NO.23651/1998

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL ADMINISTRATION, TRIVANDRUM.**

2. **DIRECTOR OF MUNICIPAL ADMINISTRATION, TRIVANDRUM.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/12/2006, ALONG WITH OP NO. 30222 OF 2000 WPC NO. 28468 OF 2003 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.Nos. 23651 OF 1998, 30222 OF 2000

&

W.P.(C)No.28468 OF 2003

Dated this the 7th day of December, 2006

J U D G M E N T

The issue raised in these writ petitions pertains to the claim made by the petitioners for counting the provisional service rendered by them prior to 1.10.1994 for the purpose of increment and grade promotion. During the pendency of these writ petitions, a few of them have been granted promotion. Since the position is well settled that the provisional service rendered by the employees prior to 1.10.1994 is liable to be counted as a qualifying service for the purpose of grade promotion under Rule 33 Part I KSR, there is no point in denying the benefits, in view of the judgment in W.A.No.3208/2000. Writ petitions are hence disposed of as follows:

There will be a direction to the Director of Municipal Administration to consider the case of those petitioners who have not so far been granted promotion and take appropriate action thereon in accordance with law, within a period of three months from the date of receipt of a copy of this judgment along with an

appropriate representation by the petitioners. In order to enable the Director of Municipal Administration to take action as above, the impugned orders are quashed.

(KURIAN JOSEPH, JUDGE)

ps

KURIAN JOSEPH, J.

O.P.Nos. 23651/1998, 30222/2000
&
W.P.(C)No.28468/2003

JUDGMENT

7th December, 2006